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HOUSE BILL 698

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY
VINCE MARTINEZ

AN ACT

RELATING TO INFORMATION AND COMMUNICATION MANAGEMENT; CREATING
AND PROVIDING FOR THE OFFICE ON INFORMATION AND COMMUNICATION
MANAGEMENT, THE CHIEF INFORMATION OFFICER AND THE TECHNICAL
ADVISORY COMMITTEE; SPECIFYING EXECUTIVE AGENCY DUTIES;
ABOLISHING THE COMMISSION ON INFORMATION AND COMMUNICATION
MANAGEMENT; TRANSFERRING RIGHTS AND RESPONSIBILITIES, PERSONNEL,
BUDGETS, APPROPRIATIONS, PROPERTY AND RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Information and Communication Management Act".

Section 2. PURPOSE OF ACT. -- The purpose of the Information
and Communication Management Act is to create a central resource
for strategic information and communications systems planning
for state government to:

Underscored material = new
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1 A. assist executive agencies in establishing and
2 maintaining efficient and cost-effective information management
3 and communications systems, appropriate to the missions of the
4 agencies that will enable the agencies to more effectively carry
5 out their responsibilities to the public;

6 B. provide leadership in developing and revising the
7 statewide information architecture through collaboration with
8 state executive agencies; and

9 C. provide a centralized source for the
10 administration of the information architecture and other
11 statewide policies on information technology.

12 Section 3. DEFINITIONS.--As used in the Information and
13 Communication Management Act:

14 A. "executive agency" means a state agency,
15 instrumentality, board or commission in the executive branch of
16 state government, state educational institutions and local
17 political subdivisions;

18 B. "information and communications systems" means
19 computer, voice and data communications software and hardware,
20 including imaging systems, terminals, radio and communications
21 networks and facilities; and

22 C. "information architecture" means documents of
23 statewide application that contain principles, policies,
24 standards and guidelines for development of information and
25 communications systems for state agencies.

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1 Section 4. OFFICE ON INFORMATION AND COMMUNICATION
2 MANAGEMENT CREATED-- ADMINISTRATIVE ATTACHMENT-- CHIEF INFORMATION
3 OFFICER-- QUALIFICATIONS-- STAFF. --

4 A. The "office on information and communication
5 management" is created. The office is administratively attached
6 to the office of the governor.

7 B. The administrative head of the office on
8 information and communication management is the "chief
9 information officer", who shall have a minimum of five years'
10 experience in management of a large information technology
11 system and shall be appointed by the governor. The chief
12 information officer shall serve at the pleasure of the governor.

13 C. The chief information officer shall have all the
14 powers and duties of the office in the interim period between
15 the time he is appointed by the governor and confirmation by the
16 senate.

17 D. The chief information officer is authorized to
18 hire information and communications management analysts and
19 other staff as necessary pursuant to the Personnel Act.

20 Section 5. CHIEF INFORMATION OFFICER-- DUTIES. --The chief
21 information officer shall:

22 A. collaborate with executive agencies, the
23 technical advisory committee and other public entities to
24 continue development of the existing information architecture;

25 B. position the state to optimize the use of

1 communications and information technology by ensuring through
2 the information architecture that:

3 (1) resources are used efficiently, redundancy
4 is minimized and information systems support the requirements of
5 state government as a whole and the missions of individual
6 executive agencies;

7 (2) efficient and judicious incorporation of
8 information and communications technology innovations supports
9 executive agency operations to control expenses, increase
10 productivity, improve service and improve management controls;
11 and

12 (3) prudent risk management practices preserve
13 the integrity and security of information and communications
14 systems and ensure timely resumption of operations following a
15 disaster;

16 C. facilitate, cooperate with and provide guidance
17 to executive agencies in the preparation of annual information
18 and communications systems management plans, which shall include
19 information about planned information technology objectives and
20 expenditures for the next fiscal year in the level of detail and
21 format specified by the chief information officer;

22 D. work with the technical advisory committee and
23 executive agencies to develop agency plans that:

24 (1) demonstrate that the agency has developed
25 relevant, achievable measurable objectives consistent with the

Underscored material = new
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1 agency's mission and existing statewide information and
2 communications policies and goals, including the information
3 architecture, or that departures from such policies and goals
4 are justified;

5 (2) show effective and efficient use of
6 available resources, including staff, funds and existing capital
7 and time;

8 (3) specifically identify communities of
9 interest, within and outside the agency, with whom information
10 and data should be shared to prevent duplication of effort; and

11 (4) provide for security of data and disaster
12 recovery in a manner consistent with the agency's needs and
13 statewide policies;

14 E. make recommendations to the department of finance
15 and administration and the legislative finance committee for
16 approval or disapproval of executive agency requests for
17 expenditures for information or communications management
18 systems if requested information appropriations in any fiscal
19 year exceed five hundred thousand dollars (\$500,000). The
20 amount requested is to be determined by calculation of amounts
21 to be expended for equipment, software, maintenance costs,
22 agreements for services and other related costs of such systems;

23 F. monitor periodically the performance of executive
24 agencies in achieving the goals of their individual plans and in
25 achieving compliance with the information architecture. A

1 written report shall be sent to the head of the agency and to
2 the council on information. The report shall:

- 3 (1) specify any noncompliance;
 - 4 (2) specify how the noncompliance can be
5 rectified; and
 - 6 (3) give the executive agency the option to
7 provide additional information relating to the noncompliance.
- 8 The agency may respond in writing to the report within thirty
9 days of receipt of the report. The response shall be forwarded
10 with the report of the chief information officer to the
11 department of finance and administration and the legislative
12 finance committee;

13 G. advise the department of finance and
14 administration and the legislative finance committee if the
15 chief information officer and the agency cannot reach agreement
16 on a plan, by providing in writing an explanation of the areas
17 of disagreement;

18 H. facilitate the implementation of agency plans;

19 I. review all budget requests for appropriations for
20 information and communications systems for all executive
21 agencies for each fiscal year. The chief information officer
22 shall designate the priority of each requested expenditure by
23 assigning priorities based on the state strategic plan for
24 information and communications systems management. The priority
25 listing shall be provided to the department of finance and

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1 administration and the legislative finance committee. Each
2 agency shall also receive a copy of the priority listing. The
3 budget request for appropriations shall be prepared in
4 cooperation with each executive agency;

5 J. appoint members of the technical advisory
6 committee, call meetings of the committee and preside over the
7 meetings, as provided in Section 7 of the Information and
8 Communication Management Act; and

9 K. update on an annual basis the state strategic
10 plan for information and communications systems management.
11 Amendments to the plan shall be made in cooperation with
12 executive agencies and the technical advisory committee. The
13 plan shall take into account the existing agency plans and the
14 information architecture and assess the resources available,
15 costs and benefits of provisions in the plan, including
16 assessment of alternative courses of action, the risks involved,
17 a summary of the state's current and projected use of
18 information technology, a description of major changes in state
19 policy and a brief description of each executive agency plan.

20 Section 6. CHIEF INFORMATION OFFICER--POWERS.--The chief
21 information officer shall have the power to:

- 22 A. employ staff pursuant to the Personnel Act;
23 B. obtain information, documents and records from
24 each of the executive agencies as needed to carry out his
25 duties;

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1 C. develop with state agencies annual information
2 and communications systems management plans and, in the event of
3 disagreement, report the areas of concern to the technical
4 advisory committee;

5 D. notify each executive agency, where necessary, of
6 any noncompliance with statewide policies, including the
7 information architecture or the agency's plan; and

8 E. enter into contracts and agreements relating to
9 any powers or duties given the chief information officer under
10 the Information and Communication Management Act.

11 Section 7. TECHNICAL ADVISORY COMMITTEE--CREATION--
12 PURPOSE. --

13 A. The "technical advisory committee" is created.
14 The committee shall consist of senior technical representatives
15 from the judiciary, the legislature, executive agencies, local
16 political subdivisions, public school systems, higher education,
17 the business community, the national laboratories and the
18 general public and shall be appointed by the chief information
19 officer. Meetings shall be held on the call of the chief
20 information officer.

21 B. The technical advisory committee shall represent
22 users of the information and communications systems affected by
23 the information architecture and shall provide advice to the
24 chief information officer as to their needs.

25 Section 8. EXECUTIVE AGENCY COOPERATION WITH CHIEF

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1 INFORMATION OFFICER. --

2 A. Each executive agency of the state shall furnish
3 and make available, upon request by the chief information
4 officer or the technical advisory committee, documents,
5 materials or information, not made confidential by law, related
6 to its information or communications systems.

7 B. Each executive agency shall present all requests
8 for expenditures for information and communications systems for
9 the subsequent fiscal year to the chief information officer by
10 September 1 of the previous fiscal year. The executive agency
11 shall assign a priority to each proposed expenditure.

12 C. Each executive agency shall maintain and update,
13 on an annual basis, an information and communication systems
14 management plan pursuant to Sections 5 and 6 of the Information
15 and Communication Management Act. The plan shall be developed
16 in cooperation with the chief information officer by May 1 of
17 each year for the fiscal beginning July 1 to reflect amounts
18 budgeted. All departures from the information architecture or
19 other statewide policies shall be justified by the agency
20 submitting the plan. A copy of the final plan for the agency
21 shall be given by the chief information officer, the head of the
22 agency, the department of finance and administration and the
23 legislative finance committee. All expenditures for any
24 information or communications management systems that exceed
25 five hundred thousand dollars (\$500,000) in any fiscal year

Underscored material = new
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1 shall be specifically identified. No expenditure may be made
2 for such systems until the plan is approved by the chief
3 information officer.

4 D. Each executive agency shall appoint a person or
5 group of persons with the necessary technical expertise for the
6 purpose of providing a continuing liaison with the office on
7 information and communication management.

8 Section 9. SUCCESSOR TO THE COMMISSION ON INFORMATION
9 MANAGEMENT.--On the effective date of the provisions of the
10 Information and Communication Management Act, the office of
11 communication and information management shall succeed to all
12 rights and responsibilities of the commission on information and
13 communication management, including all contractual and property
14 rights and obligations. On the effective date, all references
15 in the law to the commission on information and communication
16 management shall be deemed to be references to the office of
17 communication and information management.

18 Section 10. TEMPORARY PROVISION--TRANSFER OF PERSONNEL AND
19 PROPERTY.--On the effective date of the provisions of the
20 Information and Communication Management Act, all employees,
21 budgets, appropriations, property, facilities, equipment,
22 supplies and records of the commission on information and
23 communication management are transferred to the office on
24 information and communication management.

25 Section 11. SUNSET--TERMINATION OF OFFICE ON TECHNOLOGY

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1 AND COMMUNICATION MANAGEMENT. -- The office on information and
2 communication management is terminated on July 1, 1998 pursuant
3 to the Sunset Act. Effective July 1, 1998, the Information and
4 Communication Management Act is repealed.

5 Section 12. EFFECTIVE DATE. -- The effective date of the
6 provisions of this act is July 1, 1996.

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State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 10, 1996

Mr. Speaker:

**Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred**

HOUSE BILL 698

**has had it under consideration and reports same WITHOUT
RECOMMENDATION, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

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FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: None

Absent: None

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~~[bracketed material] = delete~~

**State of New Mexico
House of Representatives**

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

February 12, 1996

Mr. Speaker:

**Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred**

HOUSE BILL 698

**has had it under consideration and reports same with
recommendation that it DO NOT PASS, but that**

**HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
SUBSTITUTE FOR HOUSE BILL 698**

DO PASS.

Respectfully submitted,

Max Coll, Chairman

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

CS/HB 698

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Abeyta, Buffett, Coll, Knowles, Light, Reyes, Varela

Absent: None

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HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 698

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
1996

AN ACT

RELATING TO INFORMATION AND COMMUNICATION MANAGEMENT; CREATING
AND PROVIDING FOR THE OFFICE ON INFORMATION AND COMMUNICATION
MANAGEMENT, THE CHIEF INFORMATION OFFICER AND THE TECHNICAL
ADVISORY COMMITTEE; SPECIFYING EXECUTIVE AGENCY DUTIES;
ABOLISHING THE COMMISSION ON INFORMATION AND COMMUNICATION
MANAGEMENT; TRANSFERRING RIGHTS AND RESPONSIBILITIES, PERSONNEL,
BUDGETS, APPROPRIATIONS, PROPERTY AND RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Information and Communication Management Act".

Section 2. PURPOSE OF ACT. -- The purpose of the Information
and Communication Management Act is to create a central resource
for strategic information and communications systems planning
for state government to:

A. assist executive agencies in establishing and
maintaining efficient and cost-effective information management

Underscored material = new
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and communications systems, appropriate to the missions of the agencies that will enable the agencies to more effectively carry out their responsibilities to the public;

1 B. provide leadership in developing and revising the
2 statewide information architecture through collaboration with
3 state executive agencies; and

4 C. provide a centralized source for the
5 administration of the information architecture and other
6 statewide policies on information technology.

7 Section 3. DEFINITIONS. --As used in the Information and
8 Communication Management Act:

9 A. "executive agency" means a state agency,
10 instrumentality, board or commission in the executive branch of
11 state government, state educational institutions and local
12 political subdivisions;

13 B. "information and communications systems" means
14 computer, voice and data communications software and hardware,
15 including imaging systems, terminals, radio and communications
16 networks and facilities; and

17 C. "information architecture" means documents of
18 statewide application that contain principles, policies,
19 standards and guidelines for development of information and
20 communications systems for state agencies.

21 Section 4. OFFICE ON INFORMATION AND COMMUNICATION
22 MANAGEMENT CREATED-- ADMINISTRATIVE ATTACHMENT-- CHIEF INFORMATION
23 OFFICER-- QUALIFICATIONS-- STAFF. --

24 A. The "office on information and communication
25 management" is created. The office is administratively attached

. 111951.2

1 to the office of the governor.

2 B. The administrative head of the office on information
3 and communication management is the "chief information officer",
4 who shall have a minimum of five years' experience in management of
5 a large information technology system and shall be appointed by the
6 governor with the consent of the senate. The chief information
7 officer shall serve at the pleasure of the governor.

8 C. The chief information officer shall have all the
9 powers and duties of the office in the interim period between the
10 time he is appointed by the governor and confirmation by the
11 senate.

12 D. The chief information officer is authorized to hire
13 information and communications management analysts and other staff
14 as necessary pursuant to the Personnel Act.

15 Section 5. CHIEF INFORMATION OFFICER--DUTIES.--The chief
16 information officer shall:

17 A. provide leadership in and coordination of the
18 continued development of the existing information architecture with
19 the technical advisory committee, executive agencies and other
20 public entities as necessary;

21 B. monitor national and international standards
22 relating to information resources technologies, develop and publish
23 policies, procedures and standards relating to information
24 resources management by state executive agencies and ensure
25 compliance with those policies, procedures and standards;

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1 C. ensure that prudent risk management practices
 2 preserve the integrity and security of information and
 3 communications systems and ensure timely resumption of operations
 4 following a disaster;

5 D. facilitate, cooperate with and provide guidance to
 6 executive agencies in the preparation of annual information and
 7 communications systems management plans, which shall include
 8 information about planned information technology objectives and
 9 expenditures for the next fiscal year in the level of detail and
 10 format specified by the chief information officer;

11 E. work with the technical advisory committee and
 12 executive agencies to develop agency plans that:

13 (1) demonstrate that the agency has developed
 14 relevant, achievable measurable objectives consistent with the
 15 agency's mission and existing statewide information and
 16 communications policies and goals, including the information
 17 architecture, or that departures from such policies and goals are
 18 justified;

19 (2) show effective and efficient use of available
 20 resources, including staff, funds and existing capital and time;

21 (3) specifically identify communities of
 22 interest, within and outside the agency, with whom information and
 23 data should be shared to prevent duplication of effort; and

24 (4) provide for security of data and disaster
 25 recovery in a manner consistent with the agency's needs and

. 111951.2

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1 statewide policies;

2 F. make recommendations to the department of finance
3 and administration and the legislative finance committee for
4 approval or disapproval of the collective executive agency
5 recommendations and requests for expenditures for information or
6 communications management systems if requested information
7 appropriations in any fiscal year exceed five hundred thousand
8 dollars (\$500,000). The amount requested is to be determined by
9 calculation of amounts to be expended for equipment, software,
10 maintenance costs, agreements for services and other related costs
11 of such systems;

12 G. monitor periodically the performance of executive
13 agencies in achieving the goals of their individual plans and in
14 achieving compliance with the information architecture. A written
15 report shall be sent to the head of the agency. The report shall:

16 (1) specify compliance with information
17 architecture;

18 (2) specify compliance with approved plans;

19 (3) specify solutions for improved compliance;

20 and

21 (4) be provided, along with agency
22 recommendations, to the legislative finance committee;

23 H. develop a schedule for ongoing monitoring of major
24 system development projects. A written report shall be sent to the
25 head of the agency as specified in the schedule. The report shall:

. 111951.2

1 (1) specify compliance with information
2 architecture;

3 (2) specify compliance with audit
4 guidelines;

5 (3) provide recommendations for improved
6 compliance; and

7 (4) be provided, along with agency
8 recommendations, to the legislative finance committee;

9 I. review all budget requests for appropriations for
10 information and communications systems for all executive agencies
11 for each fiscal year. The chief information officer shall
12 designate the priority of each requested expenditure by assigning
13 priorities based on the state strategic plan for information and
14 communications systems management. The priority listing shall be
15 provided to the department of finance and administration and the
16 legislative finance committee. Each agency shall also receive a
17 copy of the priority listing. The budget request for
18 appropriations shall be prepared in cooperation with each executive
19 agency;

20 J. appoint members of the technical advisory committee,
21 call meetings of the committee and preside over the meetings, as
22 provided in Section 7 of the Information and Communication
23 Management Act; and

24 K. develop the state strategic plan for information and
25 communications systems management on a continual basis. The plan

. 111951. 2

1 shall be submitted annually to the department of finance and
2 administration. Amendments to the plan shall be made in
3 cooperation with executive agencies and the technical advisory
4 committee. The plan shall take into account the existing agency
5 plans and the information architecture and assess the resources
6 available, costs and benefits of provisions in the plan, including
7 assessment of alternative courses of action, the risks involved, a
8 summary of the state's current and projected use of information
9 technology, a description of major changes in state policy and a
10 brief description of each executive agency plan.

11 Section 6. CHIEF INFORMATION OFFICER--POWERS. --The chief
12 information officer shall have the power to:

- 13 A. employ staff pursuant to the Personnel Act;
- 14 B. obtain information, documents and records from each
15 of the executive agencies as needed to carry out his duties;
- 16 C. develop with state agencies annual information and
17 communications systems management plans;
- 18 D. notify each executive agency, where necessary, of
19 any noncompliance with statewide policies, including the
20 information architecture or the agency's plan;
- 21 E. enter into contracts and agreements relating to any
22 powers or duties given the chief information officer under the
23 Information and Communication Management Act;
- 24 F. approve as a signatory professional service
25 contracts for information and communication systems; and

1 G. approve rate structures for the information systems
2 division of the general services department.

3 Section 7. TECHNICAL ADVISORY COMMITTEE-- CREATION-- PURPOSE. -

4 -
5 A. The "technical advisory committee" is created. The
6 committee shall consist of senior technical representatives from
7 the judiciary, the legislature, executive agencies, local political
8 subdivisions, public school systems, higher education, the business
9 community, the national laboratories and the general public and
10 shall be appointed by the chief information officer. Meetings
11 shall be held on the call of the chief information officer.

12 B. The technical advisory committee shall represent
13 users of the information and communications systems affected by the
14 information architecture and shall provide advice to the chief
15 information officer as to their needs.

16 Section 8. EXECUTIVE AGENCY COOPERATION WITH CHIEF
17 INFORMATION OFFICER. --

18 A. Each executive agency of the state shall furnish and
19 make available, upon request by the chief information officer or
20 the technical advisory committee, documents, materials or
21 information, not made confidential by law, related to its
22 information or communications systems.

23 B. Each executive agency shall present all requests for
24 expenditures for information and communications systems for the
25 subsequent fiscal year to the chief information officer by

Underscored material = new
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1 September 1 of the previous fiscal year. The executive agency
2 shall assign a priority to each proposed expenditure.

3 C. Each executive agency shall maintain and update
4 continually an information and communication systems management
5 plan pursuant to Sections 5 and 6 of the Information and
6 Communication Management Act. The plan shall be developed annually
7 in cooperation with the chief information officer by May 1 of each
8 year for the fiscal beginning July 1 to reflect amounts budgeted.
9 All departures from the information architecture or other statewide
10 policies shall be justified by the agency submitting the plan. A
11 copy of the final plan for the agency shall be given by the chief
12 information officer to the head of the agency, the department of
13 finance and administration and the legislative finance committee.
14 All expenditures for any information or communications management
15 systems that exceed five hundred thousand dollars (\$500,000) in any
16 fiscal year shall be specifically identified. No expenditure may
17 be made until the plan is approved by the chief information
18 officer.

19 D. Each executive agency shall appoint a person or
20 group of persons with the necessary technical expertise for the
21 purpose of providing a continuing liaison with the office on
22 information and communication management.

23 Section 9. SUCCESSOR TO THE COMMISSION ON INFORMATION
24 MANAGEMENT.--On the effective date of the provisions of the
25 Information and Communication Management Act, the office of

1 communication and information management shall succeed to all
 2 rights and responsibilities of the commission on information and
 3 communication management, including all contractual and property
 4 rights and obligations. On the effective date, all references in
 5 the law to the commission on information and communication
 6 management shall be deemed to be references to the office of
 7 communication and information management.

8 Section 10. TEMPORARY PROVISION--TRANSFER OF PERSONNEL AND
 9 PROPERTY.--On the effective date of the provisions of the
 10 Information and Communication Management Act, all employees,
 11 budgets, appropriations, property, facilities, equipment, supplies
 12 and records of the commission on information and communication
 13 management are transferred to the office on information and
 14 communication management.

15 Section 11. SUNSET--TERMINATION OF OFFICE ON TECHNOLOGY AND
 16 COMMUNICATION MANAGEMENT.--The office on information and
 17 communication management is terminated on July 1, 1998 pursuant to
 18 the Sunset Act. Effective July 1, 1998, the Information and
 19 Communication Management Act is repealed.

20 Section 12. EFFECTIVE DATE.--The effective date of the
 21 provisions of this act is July 1, 1996.

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FORTY- SECOND LEGI SLATURE
SECOND SESSI ON, 1996

February 14, 1996

Mr. President:

Your FINANCE COMMI TTEE, to whom has been referred

HOUSE APPROPRIATIONS AND FINANCE COMMI TTEE
SUBSTITUTE FOR HOUSE BILL 698

has had it under consideration and reports same with recommendation
that it DO PASS.

Respectfully submitted,

Ben D. Altami rano, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Donisthorpe, Duran, Ingle, Kidd, Kysar

Absent: None

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Underscored material = new
[bracketed material] = delete